

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**TALMADGE VERNON LANGSTON**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2:12-CV-163-KS-MTP**

**3M COMPANY, *et al.***

**DEFENDANTS**

**PLAINTIFF'S RESPONSE TO MINE SAFETY APPLIANCES COMPANY'S  
MOTION FOR SUMMARY JUDGMENT BASED AS TO CERTAIN CLAIMS**

COMES NOW the Plaintiff, by and through the undersigned counsel, and files this *Response to Mine Safety Appliances Company's Motion for Summary Judgment as to Certain Claim Motion for Summary Judgment Based on Statute of Limitations* and would show unto the Court the following in support thereof:

The Plaintiff is not pursuing claims of breach of warranties, civil conspiracy, or acting in concert against Mine Safety Appliances (MSA). The Plaintiff is pursuing a claim of negligence against MSA and has made a prima facie case as to this claim.

In support of this response, the Plaintiff submits the following exhibits:

Exhibit "A": *Riley v. Ford Motor Co.*, 2011 WL 2728142 (S.D. Miss. 2011)

Exhibit "B": Deposition excerpts from Dr. Vernon Rose

Exhibit "C": Deposition excerpts from Mr. Darell Bevis.

WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully requests this Court to deny *Mine Safety Appliances Company's Motion for Partial Summary Judgment as to Certain Claims*, specifically negligence and to grant any other relief it deems appropriate.

DATED, this the 26th day of November, 2013.

RESPECTFULLY SUBMITTED

By: /s John T. Givens  
John T. Givens, *Attorney for Plaintiff*

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**CERTIFICATE OF SERVICE**

I, JOHN T. GIVENS, the undersigned counsel for Plaintiff, do hereby certify that I have this date electronically filed the foregoing instrument with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants.

NONE

DATED, the 26th day of November, 2013.

s/ John T. Givens  
John T. Givens